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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/797,646 | 03/10/2004 | Mathew Hayden Harper | 111244.162 (US1) | 4189 |
| 23483 | 7590 | 04/29/2009 | EXAMINER | |
| WILMERHALE/BOSTON | | | RUBIN, BLAKE J | |
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| BOSTON, MA 02109 | | | PAPER NUMBER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/797,646 | Applicant(s) HARPER ET AL. | |
| | Examiner BLAKE RUBIN | Art Unit 2457 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is a response to a request for continued examination filed March 4, 2009.
2. Claims 1, 3-13, and 15-22 are pending in this application. Claims 1, 7-9, 11, 13, 15, 16-19 are currently amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Perras et al (U.S. Patent No. 6,904,033, hereinafter Perras).**

5. With respect to claim 15, Perras discloses a method for establishing a data communication session with a mobile subscriber in a wireless communication network, comprising (Col. 1, lines 8-11):

Receiving a request to register a data session (Col. 3, line 39, *MIP registration request*) with a packet data server (Col. 3, lines 39-40, *PDSN*) prior to a radio air link

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being established with the mobile subscriber (Col. 4, 63-65, where the radio air link is not established until the MIP registration is complete);

Receiving at the packet data server a signal indicating that a radio air link has been successfully established to the mobile subscriber (Col. 4, lines 50-59); and

following receipt of said signal indicating that the radio air link has been successfully established (Col. 4, lines 50-59), the packet data server sending a link configuration request signal to the mobile subscriber to establish a connection between the mobile subscriber and the packet data server (Col. 4, lines 63-67, *Agent Advertisement message*; Figure 2, **44**), wherein the connection allows the establishment of the data communication session (Col. 5, lines 16-18).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 6-11, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perras, in view of Jayapalan et al (Patent Application Publication No. 2003/0158959, hereinafter Jayapalan).**

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8. With respect to claim 1, Perras discloses a method for establishing a data communication session with a mobile subscriber in a wireless communication network (Col. 1, lines 8-11), comprising:

receiving a registration request at a packet data server to register a data communication session (Col. 3, lines 39-40, *MIP registration request*) between the packet data server and the mobile subscriber (Col. 3, lines 39-40, *PDSN*) prior to a radio air link being established (Col. 4, 63-65, where the radio air link is not established until the MIP registration is complete) with the mobile subscriber (Col. 3, line 38, *mobile node*);

Sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber (Col. 4, lines 63-65, *Agent Advertisement message*; Figure 2, **44**);

Establishing a data communication session between the mobile subscriber and the packet data server using the data link connection.

But does not disclose waiting a set time period.

However, Jayapalan disclose waiting a set time period after receiving the registration request to allow establishment of the radio air link before sending a link before sending a link configuration request to the mobile subscriber (paragraph [0024], lines 15-20), wherein the link configuration request is used to set up a data link connection between the mobile subscriber and the packet data server (paragraph [0024], lines 1-6).

It would have been obvious to one skilled in the art at the time the invention was made to combine the PPP session configuration of Perras with the timeout timers of Jayapalan. The motivation being, to improve efficiency of establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network.

9. With respect to claim 6, the combination of Perras and Jayapalan discloses the method of claim 1. Perras further discloses wherein registering the data session comprises registering the data session according to an A11 protocol compatible with a Point-to-Point Protocol (PPP) communication network (Col. 3, lines 33-34).

10. With respect to claim 7, the combination of Perras and Jayapalan discloses the method of claim 1, Perras further discloses wherein sending the link configuration request signal comprises sending a Point-to-Point Protocol (PPP) based signal (Col. 3, lines 33-37).

11. With respect to claim 8, Perras discloses a method for communicating with a mobile subscriber in a wireless communication network (Col. 1, lines 8-11), comprising:

Receiving a request at a packet data server to register a data session (Col. 3, line 39, *MIP registration request*) between a mobile subscriber and the packet data server (Col. 3, lines 39-40, *PDSN*) prior to a radio air link being established with the mobile subscriber (Col. 4, 63-65, where the radio air link is not established until the MIP registration is complete);

Sending an initial link configuration signal for the mobile subscriber from the packet data server (Col. 4, lines 63-65, *Agent Advertisement message*; Figure 2, **44**), wherein a link configuration signal is used to establish a data link connection between the mobile subscriber and the packet data server;

But does not disclose waiting a set time period.

However Jayapalan disclose waiting a first set time period from sending the initial link configuration request signal for the mobile subscriber before sending a second initial link configuration request signal (paragraph [0024], lines 15-20), wherein the first set time period provides additional time for the establishment of the radio air link (paragraph [0013], lines 1-16).

It would have been obvious to one skilled in the art at the time the invention was made to combine the PPP session configuration of Perras with the timeout timers of Jayapalan. The motivation being, to improve efficiency of establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network

12. With respect to claim 9, the combination of Perras and Jayapalan discloses the method of claim 8, Jayapalan further discloses the method providing a second wait time period triggered by a data communications error event before sending a link configuration request signal to the mobile subscriber (paragraph [0020], lines 1-7).

13. With respect to claim 10, the combination of Perras and Jayapalan discloses the method of claim 8, Perras further discloses repeatedly waiting a time equal to the first

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wait time period until an air link to the mobile subscriber is successfully established (Col. 5, lines 40-47).

14. With respect to claim 11, the combination of Perras and Jayapalan discloses the method of claim 9, Jayapalan further discloses the link configuration signal is a Point-to-Point Protocol (PPP) based communication protocol which upon configuration established a PPP connection between the mobile subscriber and the packet data server (paragraph [0002], lines 1-6).

15. With respect to claim 13, the combination of Perras and Jayapalan discloses the method of claim 8, Jayapalan discloses the data link connection allows the establishment of a data communication session (paragraph [0002], lines 1-6).

16. With respect to claim 16, Perras discloses a method for establishing a data communication session with a mobile subscriber in a wireless communication network, the method comprising (Col. 1, lines 8-11):

Sending the configuration request signal to the mobile subscriber after a triggering event (Col. 4, lines 63-67), wherein the triggering event indicates that an air link is established with the mobile subscriber (Col. 4, lines 50-59); and

Establishing a PPP connection between the mobile subscriber and the packet data server and providing the data communication session over the PPP connection (Col. 5, lines 16-18).

But does not disclose delaying the configuration request.

However Jayapalan disclose delaying a transmission of a configuration request for a Point-to-Point (PPP) protocol connection setup signal from the data packet server module to the mobile subscriber after receiving a registration request at the data packet server (paragraph [0020], lines 1-7).

17. With respect to claim 18, Perras discloses the method of claim 16, further comprising sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and mobile subscriber (Col. 4, lines 65-67, *Responsive to the receipt*).

It would have been obvious to one skilled in the art at the time the invention was made to combine the PPP session configuration of Perras with the timeout timers of Jayapalan. The motivation being, to improve efficiency of establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network.

18. With respect to claim 17, the combination of Perras and Jayapalan discloses method of claim 16, Jayapalan further discloses a method wherein the triggering event is a time-based trigger signal (paragraph [0020], lines 1-7).

19. With respect to claim 18, the combination of Perras and Jayapalan discloses method of claim 16, Jayapalan further discloses a method wherein withholding the data

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session configuration request signal continues until an event-based trigger signal is received by the packet data server (paragraph [0020], lines 1-7).

20. With respect to claim 19, Perras discloses a system for wireless communication (Col. 1, lines 8-11), comprising:

a packet data server (Col. 3, lines 39-40, *PDSN*);

a communication network adapted for carrying control and data packets between a mobile subscriber and the packet data server (Col. 3, lines 37-41);

said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a configuration request signal over said communication network (Col. 4, lines 63-65) responsive to an indication that said radio air link is ready to carry said configuration request signal to said mobile subscriber to establish a first Point-to-Point (PPP) connection (Col. 4, lines 65-67).

But does not disclose a delay time.

However, Jayapalan discloses a radio air link portion of said communication network (paragraph [0005], lines 1-4), the radio air link having associated therewith an air link establishment delay time (paragraph [0024], lines 15-20).

It would have been obvious to one skilled in the art at the time the invention was made to combine the PPP session configuration of Perras with the timeout timers of Jayapalan. The motivation being, to improve efficiency of establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network.

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21. With respect to claim 20, the combination of Perras and Jayapalan discloses the system of claim 19. Jayapalan further discloses the indication comprises a time-based signal indicating that a wait time exceeding the air link establishment delay time has elapsed (paragraph [0020], lines 12-14).

22. With respect to claim 21, the combination of Perras and Jayapalan discloses the system of claim 19, Perras the indication comprises an event-based signal indicating that the air link has been successfully established to the mobile subscriber (Col. 4, lines 65-67).

23. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perras and Jayapalan, as applied to claim 1 above, in view of Levenson et al (Pat. No. 6,791,945) hereinafter Levenson.

24. With respect to claim 3, the combination of Perras and Jayapalan discloses the method of claim 1, but fails to disclose a method for including a dynamic wait time.

However Levenson disclose a dynamic duration for the set time period based on a network (Levenson: Col. 2, lines 42-60).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Levenson because a dynamic wait time increases the versatility of configuring users on the wireless network (Levenson: Col. 4, lines 10-21).

25. Claims 4, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perras and Jayapalan, as applied to claims 1 and 8 above, in view of Kokko et al (Pat. No. 6,005,852) hereinafter Kokko.

26. With respect to claim 4, the combination of Perras and Jayapalan discloses the method of claim 1, but fails to disclose a method for a wait time duration between 10 milliseconds and 1 second.

However Kokko discloses waiting the set time period comprises providing a wait time period having a duration between 10 milliseconds and 1 second (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Kokko because a wait time duration between 10 milliseconds and 1 second increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

27. With respect to claim 5, the combination of Perras and Jayapalan discloses the method of claim 1, but fails to disclose a method for a wait time duration of 100 milliseconds.

However Kokko discloses waiting the set time period comprises providing a wait time period having a duration of approximately 100 milliseconds (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Kokko because a wait time duration of 100 milliseconds increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

28. With respect to claim 12, the combination of Perras and Jayapalan discloses the method of claim 8, but fails to disclose a method a for a wait time between 10 milliseconds and 1 second.

However Kokko discloses a wait time period providing a first set time period having a duration between 10 milliseconds and 1 second (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Kokko because a wait time duration between 10 milliseconds and 1 second increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

29. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perras, in view of Cheng et al (Pat. No. 6,076,181) hereinafter Cheng-181.

30. With respect to claim 22, the combination of Perras and Jayapalan, but fail to disclose a method for buffering data packets.

However Cheng-181 discloses buffering the data packets prior to the successful establishment of a radio air link to the mobile subscriber (Cheng-181: Col. 6, lines 64-67; Col. 7, lines 1-14).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Cheng-181 because a buffer improves the efficiency of configuring users on the wireless network (Cheng-181: Col. 3, lines 28-37).

Response to Arguments

31. Applicant's arguments with respect to claims 1, 8, 15, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | | | |
|----|----------------|------------|--------------|
| a. | Lim | Pub. No. | 2002/0075658 |
| b. | Lim | Pub. No. | 2002/0057663 |
| c. | Lamkin et al | Patent No. | 6,421,718 |
| d. | Ludwig et al | Patent No. | 6,487,218 |
| e. | Carlborg et al | Pub. No. | 2003/0078050 |
| f. | Kim et al | Pub. No. | 2003/0119452 |
| g. | Yi et al | Pub. No. | 2003/0157927 |

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h. Xu Patent No. 6,963,582

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/17/09

/Rubin Blake/
Examiner, Art Unit 2457

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457